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11 **DISTRICT COURT OF GUAM**  
12 **TERRITORY OF GUAM**  
13

14 JULIE BABAUTA SANTOS, individually,  
15 and on behalf of all those similarly situated,

16 Petitioner,

17 -vs-

18 FELIX P. CAMACHO, Governor of Guam;  
19 ART ILAGAN, Director of Department of  
20 Revenue and Taxation; LOURDES M.  
21 PEREZ, Director of Department of  
22 Administration; and GOVERNMENT OF  
23 GUAM,

24 Respondents.

25 CHARMAINE R. TORRES, on behalf of  
26 herself and all others similarly situated,

27 Applicant for Intervention.  
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CIVIL CASE NO. CV04-00006

**OBJECTIONS TO PROPOSED ORDER  
APPOINTING INTERIM CLASS COUNSEL**

**CLASS ACTION**

**FILED**  
**DISTRICT COURT OF GUAM**  
**JUL 16 2004**  
MARY L. M. MORAN  
CLERK OF COURT

46

1           **APPLICANT FOR INTERVENTION CHARMAINE R. TORRES** ("Applicant")  
2 objects to the proposed order submitted by Attorney Michael Phillips regarding appointment as  
3 interim class counsel for the "EIC Class." The last sentence of the proposed order states that  
4 "The Court finds Attorney Phillips to be adequate under the standards required by Rule  
5 23(g)(1)(B) and (C)." Applicant does not believe that the Court specifically made such findings  
6 at the hearing this morning. Rule 23(g)(2)(A) states that "The court may designate interim  
7 counsel to act on behalf of the putative class before determining whether to certify the action as a  
8 class action." The standards under Rule 23(g)(1)(B) and (C) are for appointments of class  
9 counsel, and do not appear to relate to designation of interim counsel. The Court must conduct  
10 further inquiry to determine whether the requirements of subparagraph (1)(B) and (C) have been  
11 met by Mr. Phillips. Interested parties have not had the opportunity to comment on this issue,  
12 since Mr. Phillips's motion for appointment as class counsel, or designation as interim counsel,  
13 was filed only yesterday.

14           Respectfully submitted this 16<sup>th</sup> day of July, 2004.

15   **LUJAN, AGUIGUI & PEREZ LLP**

16  
17 By: \_\_\_\_\_

**IGNACIO C. AGUIGUI, ESQ.**

*Attorneys for Applicant for Intervention  
Charmaine R. Torres*